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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,205	12/19/2000	Allan Hunt	876.0001USU	7684

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Harry F. Smith, Esq.
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 9th Floor
Stamford, CT 06901-2682

EXAMINER

DAVIS, TEMICA M

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 05/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,205

Applicant(s)

HUNT, ALLAN

Examiner

Temica M. Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-14, 16-22, 24-30, 32-38, 40-46 and 48 is/are rejected.
- 7) ☒ Claim(s) 7, 15, 23, 31, 39, 47 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/11/2004 with respect to the rejection(s) of claim(s) 1-6, 8, 17-22, 24, 33-38 and 40 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Moravec et al (Moravec), U.S. Patent No. 5,596,260. Further, the independent claims indicated allowable in the previous office action has been withdrawn based on Moravec.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6, 8-14, 16-22, 24-30, 32-38, 40-46 and 48 are rejected under 35 U.S.C. 102(b) as being anticipated by Moravec.

Regarding claims 1, 17 and 33, Moravec discloses a method of indicating extant battery life, the method comprising the steps of: (a) initially determining a first extant battery life value having a first confidence level; (b) generating a perceivable indication of said first battery life value; (c) determining a second extant battery life value having a second confidence level; and (d) generating a perceivable indication of said second

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battery life value after generating the perceivable indication of said first battery life value, wherein the second confidence level is higher than said first confidence level and said determination of said first extant battery life value is completed before said determination of said second extant battery life value is completed (col. 4, lines 20-65 and col. 5, line 17-col. 6, line 6).

Regarding claims 2, 18 and 34, Moravec discloses wherein the manner of indicating the second battery life value is different from the manner of indicating the first battery life value (col. 4, lines 20-65, col. 5, line 17-col. 6, line 6).

Regarding claims 3, 19 and 35, Moravec discloses wherein the first and second battery life values are indicated visually (col. 4, lines 61-65).

Regarding claims 4, 20 and 36, Moravec discloses wherein the first extant battery life value is determined on the basis of an average of a plurality of battery voltage readings (col. 5, lines 39-64).

Regarding claims 5, 21 and 37, Moravec discloses wherein the first extant battery life value is read from a lookup table in dependence on said average (col. 5, lines 62-64)

Regarding claims 6, 22 and 38, Moravec discloses wherein the second extant battery life value is determined on the basis of a plurality of time-spaced battery voltage readings (col. 5, lines 39-64).

Regarding claims 8, 24 and 40, Moravec discloses wherein the second extant battery life value is determined on the basis of a plurality of time spaced battery voltage

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readings and the first of said time spaced readings is used for calculating said average (col. 5, lines 39-64).

Regarding claims 9, 25 and 41, Moravec discloses indicating extant battery life for a battery powered apparatus, the method comprising the steps of: (a) determining a first extant battery life value having a first confidence level during operation of an apparatus in a first mode; (b) generating a perceivable indication of said first battery life value; (c) determining a second extant battery life value having a second confidence level during operation of an apparatus in a second mode; and (d) generating a perceivable indication of said second battery life value after generating the perceivable indication of said first battery life value, wherein the second confidence level is higher than said first confidence level and said first mode places a greater current demand on the battery than the second mode (col. 4, lines 20-68, col. 5, line 17-col. 6, line 6).

Regarding claims 10, 26 and 42, Moravec discloses wherein the manner of indicating the second battery life value is different from the manner of indicating the first battery life value col. 4, lines 20-68, col. 5, line 17-col. 6, line 6, col. 8, lines 7-33).

Regarding claims 11, 27 and 43, Moravec discloses wherein the first and second battery life values are indicated visually (col. 4, lines 61-65).

Regarding claims 12, 28 and 44, Moravec discloses wherein the first extant battery life value is determined on the basis of an average of a plurality of battery voltage readings (col. 5, lines 39-64).

Regarding claims 13, 29 and 45, Moravec discloses wherein the first extant battery life value is read from a lookup table in dependence on said average (col. 5, lines 62-64).

Regarding claims 14, 30 and 46, Moravec discloses wherein the second extant battery life value is determined on the basis of a plurality of time-spaced battery voltage readings (col. 5, lines 39-64).

Regarding claims 16, 32 and 48, Moravec discloses wherein the second extant battery life value is determined on the basis of a plurality of time spaced battery voltage readings and the first of said time spaced readings is used for calculating said average (col. 5, lines 39-64).

Allowable Subject Matter

4. Claims 7, 15, 23, 31, 39 and 47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Temica M. Davis whose telephone number is (703) 306-5837. The examiner can normally be reached Monday-Friday (alternate Fridays) from 9:00am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Erika Gary can be reached on (703) 308-0123. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Temica M. Davis
Examiner
Art Unit 2681

May 2, 2004


TEMICA M. DAVIS
PATENT EXAMINER